



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

April 4, 2023

Via ECF

Hon. Edgardo Ramos
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Honig, et al., No. 18 Civ. 8175 (ER) (S.D.N.Y.)

Dear Judge Ramos:

Plaintiff Securities and Exchange Commission (“Commission”) respectfully seeks the Court’s leave to exceed the page limitations on reply memoranda of law in connection with its Motion for Partial Summary Judgment against Defendant Robert Ladd. Ladd objects to the Commission’s request.¹

The Commission’s Motion for Partial Summary Judgment (DE 315-323) seeks summary judgment on seven different claims:

- Its fraud claims arising out of:
 - MGT’s May 9, 2016 press release;
 - Ladd’s May 31, 2016 Form 4;
 - Ladd’s May 24 and May 25, 2016 Forms 144; and
 - Ladd’s November 22, 2015 E*Trade new account application; and
- Its non-scienter-based claims under:
 - Securities Act Section 5 (relating to Ladd’s unregistered May 2016 stock sales of MGT);
 - Exchange Act Section 16(a) (relating to Ladd’s failures to file Forms 4 reflecting his purchases and sales of MGT stock between between August and October 2015, and between November 2015 and May 2016); and
 - Exchange Act Section 13(d) (relating to Ladd’s failure to file an Amended Schedule 13D when his ownership of MGT increased by more than 1 per cent).

¹ The Court previously granted Ladd six extra pages for his reply to the Commission’s opposition to his motion for summary judgment, which Ladd had requested in response to the Commission’s request for additional pages for its opening brief. (DE 314.)

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To fully respond to Ladd's Opposition arguments (DE 325) the Commission seeks leave to exceed the 10 page Reply limitation (Individual Practice 2.B.1) by nine additional pages.

Pursuant to the Court's January 24, 2023 Order (DE 314), the Commission's Reply is due on April 7, 2023.

Respectfully submitted,

/s/ Jack Kaufman

Jack Kaufman

Senior Trial Counsel